

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:23-cv-03100-AB-AJR

Date: October 22, 2024

Title: *Philip Emiabata v. Niagara Bottling, LLC, et al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Daniel Tamayo
Deputy Clerk

N/A
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Appearing

Attorney(s) Present for Defendant(s):
None Appearing

**Proceedings: [In Chambers] ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR LACK OF
PROSECUTION**

On October 8, 2024, the Court ordered the parties to appear for a status conference on October 22, 2024 to discuss Defendant's motions to continue trial based on Plaintiff's failure to respond to Defendant's propounded discovery requests. *See* Order Setting Scheduling Conference (Dkt. No. 79); *see also* Ex Parte Application to Continue Trial (Dkt. No. 77), and Motion to Continue Trial, (Dkt. No. 76). On October 22, 2024, the Court held a hearing for a status conference, and Plaintiff failed to appear. At the hearing, counsel for Defendant Niagara Bottling informed the Court that he had communicated with Plaintiff on October 10, 2024 and October 15, 2024, and counsel indicated Plaintiff was aware of the October 22 status conference.

Although all parties—and the Court—are responsible for the timely progress of a case, a plaintiff, as the party who filed an action, bears the primary responsibility for ensuring compliance with deadlines that apply to them. The Court therefore **ORDERS** Plaintiff to show cause why this case should not be

dismissed for lack of prosecution given Plaintiff's failure to respond to Defendant's propounded discovery requests and failure to appear at the Court's status conference on October 22, 2024. An appropriate response may be a Notice of Settlement or a declaration explaining why Plaintiff has failed to respond and failed to appear.

Plaintiff's Response must be filed by November 5, 2024. If no response is filed by that date, the case will be dismissed without further notice.

IT IS SO ORDERED.